

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

FRANKLIN MORRIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO. 4:07CV1629 JCH
	)	
LT. LARRY DOYLE, <u>et al.</u>	)	
	)	
Defendants.	)	

**DEFENDANTS LINCOLN COUNTY SHERIFF'S DEPARTMENT AND  
LINCOLN COUNTY JAIL'S MOTION TO DISMISS**

COME NOW the Defendants Lincoln County Jail and Lincoln County Sheriff's Department, by and through the undersigned counsel, and for their Motion to Dismiss, state to the Court as follows:

1. Defendants Lincoln County Sheriff's Department and Lincoln County Jail are named as Defendants in Plaintiff's First Amended Complaint.

2. Plaintiff First Amended Complaint makes no specific allegation about these two Defendants nor does the First Amended Complaint set forth a cause of action against these Defendants.

3. Further, and as a matter of law, the Lincoln County Sheriff's Department and the Lincoln County Jail are not legal entities capable of being sued. White v. Camden County Sheriff's Dept., 106 S.W.3d 626 (Mo.App.S.D. 2003).

4. In support of their Motion to Dismiss, Defendants Lincoln County Sheriff's Department and Lincoln County Jail have attached their

Memorandum of Law in Support of these Defendants' Motion to Dismiss, and incorporate said Memorandum as if more fully set forth herein.

WHEREFORE, Defendants Lincoln County Sheriff's Department and Lincoln County Jail pray that this Court enter an Order dismissing said Defendants and for such other and further relief as this Court deems just and proper in the premises.

BARKLAGE, BRETT,  
WIBBENMEYER & HAMILL

/s/ Joel D. Brett  
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**CERTIFICATE OF SERVICE**

I, Joel D. Brett, hereby certify that the foregoing document was filed electronically with the Clerk of the United States District Court, Eastern District of Missouri, this 13<sup>th</sup> day of September, 2010, to be served by operation of the Court's electronic filing system upon the following:

Christina Moore  
Assistant United States Attorney  
111 S. Tenth Street, 20<sup>th</sup> Floor  
St. Louis, Missouri 63102

In addition, a copy going to Plaintiff Franklin Morris, via U.S. prepaid postage, to the following address:

Mr. Franklin Morris  
Register #: 31636-044  
FCI Elkton  
P.O. Box 10  
Lisbon, OH 44432

*Plaintiff, Pro Se*

\_\_\_\_\_/s/ Joel D. Brett\_\_\_\_\_  
Joel D. Brett, #16826